

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WASICA FINANCE GMBH AND
BLUEARC FINANCE AG,

Plaintiffs,

v.

C.A. No. _____

SCHRADER INTERNATIONAL, INC.,

Defendant.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Wasica Finance GmbH and BlueArc Finance AG file this Complaint and demand for jury trial seeking relief for patent infringement by the Defendant, Schrader International, Inc. Plaintiffs state and allege the following:

BACKGROUND

1. Wasica Finance GmbH is a Swiss company with a place of business at Schwanderstrasse 27, 6063 Stalden, Switzerland. Mr. Karl Leemann is the primary owner of Wasica Finance GmbH.

2. BlueArc Finance AG is a Swiss company with a place of business at Schwanderstrasse 27, 6063 Stalden, Switzerland. Mr. Heinz Ruchti is the primary owner of BlueArc Finance AG.

3. During the early 1990s, Mr. Leeman and Mr. Ruchti owned Uwatec AG, a Swiss company in the business of manufacturing and selling scuba diving products. During that time, Uwatec engaged Mr. Markus Mock and Mr. Ernst Völlm to develop technology for the scuba diving business. While working on that assignment, Messrs. Mock and Völlm conceived of an Invention relating to monitoring the air-pressure in pneumatic tires on vehicle wheels. Mr. Mock

and Mr. Völlm assigned their patent rights in the Invention to Uwatec AG, which applied for patents on the Invention in multiple jurisdictions including the United States. On February 11, 1997, the U.S. Patent and Trademark Office issued U.S. Patent No. 5,602,524 to Messrs. Mock and Völlm for the Invention. Later, Messrs. Leeman and Ruchti sold Uwatec AG. As part of that transaction, the patent rights to the Invention were assigned to Messrs. Leeman and Ruchti. Messrs. Leeman and Ruchti formed Wasica Finance GmbH and BlueArc Finance AG to own and hold their respective patent rights in the Invention, including the '524 patent.

4. On information and belief, Defendant Schrader International, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 9635 Maroon Circle, Suite #420, Englewood, Colorado 80112.

5. On information and belief, Schrader is a major manufacturer and seller of tire pressure monitoring systems. Schrader reports that over 200 million of its tire sensors were in operation world-wide as of 2012. Schrader sells its tire pressure monitoring sensors and equipment in both the OEM and Aftermarket channels.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Schrader because it regularly conducts business in the State of Delaware and therefore has substantial and continuous contacts within this judicial district; because it has purposefully availed itself to the privileges of conducting business in this judicial district; and/or because it has committed acts of patent infringement in this judicial district.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

9. On information and belief, Schrader has placed infringing products into the stream of commerce by shipping those products into this judicial district and/or by knowing that such products would be shipped into this judicial district. On information and belief, Schrader's established distribution network distributes accused products directly into this judicial district.

COUNT I
(Patent Infringement)

10. Plaintiffs restate and reallege the preceding paragraphs of this Complaint.

11. On February 11, 1997, United States Patent No. 5,602,524 ("the '524 patent") entitled "Device for Monitoring and the Air-Pressure in Pneumatic Tires Fitted on Vehicle Wheels" was duly and legally issued by the United States Patent and Trademark Office. Plaintiffs owns the '524 patent by assignment. A true and correct copy of the '524 patent is attached as Exhibit A.

12. The '524 patent relates to tire pressure monitoring systems ("TPMS") used to monitor the pressure in automobiles and other vehicles. Low tire pressure can lead to tire failure, often a tire blow-out, that poses serious danger to vehicles and their occupants. In addition, low tire pressure can result in increased fuel consumption and shortened tire life. As a result, Congress has mandated that all passenger vehicles weighing less than 10,000 pounds be equipped with a TPMS to warn drivers of under-inflated tires.

13. Schrader is a major manufacturer and seller of TPMS equipment in the United States.

14. On information and belief, Schrader has knowledge of the '524 patent.

15. On information and belief, Schrader has been and is actively inducing others to infringe and/or contributing to the infringement of the '524 patent in violation of 35 U.S.C. § 271 in the United States.

16. Plaintiffs have been and continue to be damaged as the result of Schrader's infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that this Court:

- (1) Enter judgment that Schrader has infringed the '524 patent;
- (2) Enter an order permanently enjoining Schrader and its officers, agents, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '524 patent;
- (3) Award Plaintiffs damages in an amount sufficient to compensate it for Schrader's infringement of the '524 patent, together with pre-judgment and post-judgment interest and costs, and all other damages permitted under 35 U.S.C. § 284;
- (4) Award Plaintiffs an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement; and
- (75) Award Plaintiffs such other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs demand a jury trial on all issues so triable.

Dated: July 29, 2013

FISH & RICHARDSON P.C.

By: /s/ Thomas L. Halkowski

Thomas L. Halkowski (#4099)
222 Delaware Avenue, 17th Floor
P.O. Box 1114
Wilmington, DE 19899-1114
(302) 778-8407 Telephone
(302) 652-0607 Facsimile

Of Counsel:

Michael J. Kane
Jason M. Zucchi
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
(612) 335-5070 Telephone
(612) 288-9696 Facsimile

*Attorneys for Plaintiffs
Wasica Finance GmbH and
BlueArc Finance AG*